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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/534,927

08/24/2005

Pavel Jurik

CU-4209 BWH

3663

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7590

11/08/2006

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EXAMINER

PAYNE, SHARON E

ART UNIT

PAPER NUMBER

2875

DATE MAILED: 11/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/534,927

Applicant(s)

JURIK, PAVEL

Examiner

Sharon E. Payne

Art Unit

2875

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 26 October 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 4-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 4-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. The indicated allowability of claims 4 and 5 is withdrawn in view of the newly discovered reference(s) to a gobo. Rejections based on the newly cited reference(s) follow. The finality of the previous rejection is also withdrawn. The examiner regrets the inconvenience.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 4 and 5 rejected under 35 U.S.C. 102(b) as being anticipated by Belliveau (U.S. Patent 5,402,326).

Regarding claim 4, Belliveau discloses a carrier disc provided with circular apertures allowing for lighting of gobos (Fig. 2) and furnished with a holder to support interchangeable segments with the gobos (reference number 54) wherein each segment is provided with a lamella (reference number 76) for attachment in the holder (Fig. 2) and with a setting portion (reference numbers 82, 80 and 81) to position the segment on the carrier disc (Fig. 5), wherein each segment is provided with a bearing (reference number 84) supporting a driver (reference numbers 68 and 76) with a gobo (Fig. 3), wherein a bearing inside ring is provided by the driver outer rim (Fig. 5) and a bearing outside ring is attached to the segment lamella by a dismountable connection (screw, reference number 81), while the driver comprises a flange with a spur toothing (Fig. 5, top right and left).

Concerning claim 5, Belliveau discloses a carrier disc provided with circular apertures allowing for lighting of gobos (Fig. 2) and furnished with a holder to support interchangeable segments with the gobos (reference number 54) wherein each segment is provided with a lamella (reference number 76) for attachment in the holder (Fig. 2) and with a setting portion (reference numbers 82, 80 and 81) to position the segment on the carrier disc (Fig. 5), wherein the setting portion (reference numbers 82, 80 and 81) for positioning the segment on the carrier disc (Fig. 5) comprises a dismountable connection for attachment of the gobo bearing outer ring on the lamella (reference number 81, screw).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Belliveau in view of Niethammer (DE 2,263,689).

Regarding claim 6, Belliveau does not disclose a holder with fingers. Niethammer discloses the holder comprising a system of flexible fingers (Fig. 1, center) in a fan-shaped arrangement (Fig. 1, center), the fingers at inside ends fixed to the carrier disc (Fig. 1, center), and on the outside free ends is adapted to allow for insertion of the segment lamellas between the fingers and the carrier disc (Fig. 1).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the configuration of Niethammer in the apparatus of Belliveau to more securely hold the gobos.

Concerning claim 7, Belliveau does not disclose fingers. Niethammer discloses the insider ends of the fingers are integrated into one unit (Fig. 1, center), while the number of fingers within this unit corresponds to the number of segments to be supported by the carrier disc (Fig. 1).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the configuration of Niethammer in the apparatus of Belliveau to more securely hold the gobos.

#### ***Response to Arguments***

6. Applicant's arguments with respect to claims 4-7 have been considered but are moot in view of the new ground(s) of rejection.

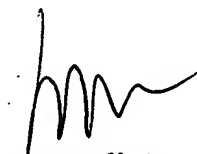
#### ***Conclusion***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sharon E. Payne whose telephone number is (571) 272-2379. The examiner can normally be reached on regular business hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (571) 272-2378. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

8. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

sep



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